

Nos. 02-2133SD, 02-2144SD, 02-2185SD,
02-2187SD, 02-2191NE, 02-2305ND

On Appeal from the United
States District Court
for the District of
South Dakota.

No. 02-2144SD

State of South Dakota, and
William J. Janklow, Governor,

Plaintiffs - Appellees,

V.

Lt. Colonel Kurt F. Ubbelohde,
District Engineer, Omaha District,
United States Army Corps of
Engineers, and General David A.
Fastabend, Commander, NW Division,
Portland, Oregon,

Defendants,

Ergon Asphalt and Emulsions, Inc.;
Magnolia Marine Transport
Company; Blaske Marine, Inc.;
Koch Materials Company; Mid-West
Terminal Warehouse Company, Inc.;
Tosco, a subsidiary of Phillips 66
Company; Jebro, Incorporated, and
Memco Barge Line, Inc.,

Movants - Appellants.

On Appeal from the United
States District Court
for the District of
South Dakota.

No. 02-2185SD

State of South Dakota, and
William J. Janklow, Governor,

Plaintiffs - Appellees,

V.

Lt. Colonel Kurt F. Ubbelohde,
District Engineer, Omaha District,
United States Army Corps of
Engineers, and General David A.
Fastabend, Commander, NW Division,
Portland, Oregon,

Defendants,

State of Nebraska,

Movant - Appellant.

No. 02-2187SD

State of South Dakota, and
William J. Janklow, Governor,

Plaintiffs - Appellees,

On Appeal from the United
States District Court
for the District of
South Dakota.

v.

Lt. Colonel Kurt F. Ubbelohde,
District Engineer, Omaha District,
United States Army Corps of
Engineers, and General David A.
Fastabend, Commander, NW Division,
Portland, Oregon,

Defendants - Appellants.

No. 02-2191NE

State of Nebraska, also known as
Don Stenberg, Attorney General of
the State of Nebraska, ex rel.,

Plaintiff - Appellee,

v.

State of Missouri,

Intervener Below -
Intervener on Appeal,

Kurt F. Ubbelohde, Lt. Colonel,
District Engineer, Omaha District,
United States Army Corps of
Engineers, and General David A.
Fastabend, Commander, NW Division,

* On Appeal from the United
* States District Court
* for the District of
* South Dakota.

* On Appeal from the United
* States District Court
* for the District of
* Nebraska.

Portland, Oregon,

Defendants - Appellants,

State of Iowa,

Amicus on Behalf of Appellee.

No. 02-2305ND

State of North Dakota, and
John Hoeven, Governor,

Plaintiffs - Appellees,

V.

Lt. Colonel Kurt F. Ubbelohde,
District Engineer, Omaha District,
United States Army Corps of
Engineers, and General David A.
Fastabend, Commander, NW Division,
Portland, Oregon,

Defendants - Appellants.

State of Missouri,

Intervener on Appeal.

On Appeal from the United
States District Court
for the District of
North Dakota.

Filed: July 25, 2003

Before WOLLMAN, RICHARD S. ARNOLD, and MELLOY, Circuit Judges.

ORDER

We have before us the Emergency Motion of Federal Defendants-Appellants for Reimposition of Stay of Injunction Issued by Nebraska District Court Pending Appeal. The motion is denied. There is no need for it. The stay of injunction remains in effect until the mandate of this Court issues, which has not yet occurred. The time for filing petition for rehearing or rehearing en banc has been extended to and including August 20, 2003.

The motion of American Rivers, Environmental Defense, and others for leave to file a brief amicus curiae is granted.

It is so ordered.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.